IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

WRIT PETITION No. 1820 OF 2001

(LUXMAN PRASAD SONI)

PETITIONER : L.P.Soni, son of Jankuram Soni, aged about 39 years, occupation: Assistant Teacher, resident of in front of Govt.Primary School, Central Workshop, KORBA, Dist.Korba, Chhattisgarh.

Vs.

RESPONDENTS :

1. The State of Chhattisgarh:Through: Secretary, Education Department, D.K.Bhawan, RAIPUR, Dist.Raipur (C.G)
2. Additional Commissioner, Tribal Development, Korba, Dist.Korba (C.G)
3. Collector, Korba,Dist.Korba (C.G)
4. Block Development Officer(Education), Korba, Dist.Korba (C.G)
5. Principal, Government Primary School, Central Workshop, Korba, Dist.Korba(C.G)

P. R. No. 1985/2001
Presented by Shri S.M. Shriwas
dated

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 1820 of 2001

Petitioner : L.P. Soni

Versus

Respondents : The State of Chhattisgarh and others

SB : **Hon'ble Shri Satish K. Agnihotri, J.**

Present: Mrs. Anju Ahuja, counsel for the petitioner.
Ms. Deepali Pandey, Panel lawyer for the respondents/State.

ORDER

(Passed on this 21st day of February, 2007)

1. The petitioner, while working as Assistant Teacher in Government Primary School, Central Workshop, Korba, was transferred to Aadim Jati Kalyan Vibhag Middle School at Devpahari vide impugned order dated 11.9.2001 (P/6).

2. This Court vide interim order dated 22.9.2001 has stayed the impugned order dated 11.9.2001. This Court, while observing that the matter is pending before the State Administrative Tribunal, granted interim stay for a period of one week. This petition has become infructuous as the order was passed on 11.9.2001 transferring the petitioner from Government Primary School, Central Workshop, Korba to Aadim Jati Kalyan Vibhag Middle School at Devpahari.

3. Be that as it may, with the passage of time this petition has become infructuous, as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping

in view the public interest and administrative exigency, without insisting on compliance of the earlier transfer order.

4. It is well settled principle of law that transfer is an incidence of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge